

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KEEDAN KYLER FELPS,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RAVEN FELPS,

Respondent-Appellant.

UNPUBLISHED

April 19, 2007

Nos. 272378; 272653

Barry Circuit Court

Family Division

LC No. 04-006981-NA

Before: Sawyer, P.J., and Neff and White, JJ.

PER CURIAM.

Respondent appeals from an order of the circuit court terminating her parental rights to the minor child. We affirm.

We first consider respondent's arguments that the lower court improperly exercised jurisdiction over the minor child. The trial court's authority to exercise jurisdiction in a child protective proceeding is based upon MCL 712A.2(b), which provides for jurisdiction over a child who is without proper custody or guardianship. We are satisfied that there was sufficient evidence for the court to assume jurisdiction over the child. Respondent was then serving a prison sentence on a prior criminal conviction. She had placed the child with her mother. But that was not an appropriate placement. The mother had a criminal record, including a recent breaking and entering and many drunk driving convictions, as well as a recent hospitalization for attempted suicide. The evidence available at the preliminary hearing certainly establishes by a preponderance of the evidence the court's authority to assume jurisdiction. *In re BZ*, 264 Mich App 286, 295; 690 NW2d 505 (2004). We review the trial court's decision to exercise jurisdiction for clear error in light its factual findings. *Id.* Moreover, the court's assumption of jurisdiction over the child was further supported by the father's admission to various portions of the amended petition.

Respondent also argues that the trial court erred in terminating her parental rights. Termination is appropriate where the petitioner establishes by clear and convincing evidence that at least one ground for termination exists. *In re Trejo Minors*, 462 Mich 341, 355; 612 NW2d 407 (2000). Once a ground for termination has been established, the trial court shall terminate unless it finds that termination is clearly not in the child's best interests. *Id.* at 364-365. We

review the trial court's factual findings under the clearly erroneous standard. *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999).

We are satisfied that there was clearly sufficient evidence to establish termination under both MCL 712A.19b(3)(g) and (l). In fact, respondent has conceded that subsection (l) applies. Furthermore, the record does not establish that termination is clearly not in the child's best interests. Due to respondent's incarceration, there is no established relationship between the mother and the child. Furthermore, as discussed above, respondent's placement of the child with respondent's mother was inappropriate and highly risky given the mother's history. Finally, the law does not support respondent's argument that it is inappropriate to terminate the parental rights of only one parent.

Finally, we need not address the trial court's rejection of the power of attorney executed by respondent in favor of her mother to give the mother authority to care for the child. Regardless of the authority of the POA, as discussed above, placement with the mother was inappropriate and, therefore, termination was proper even if the POA was effective.

Affirmed.

/s/ David H. Sawyer
/s/ Janet T. Neff
/s/ Helene N. White